

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

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In the Matter of:)

MAY 30 1997

Implementation of the Local)
Competition Provisions in the)
Telecommunications Act of 1996)

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY
CC Docket No. 96-98**

**SOURCE MATERIALS
Volume 3 of 10**

**TAB 20 [Fischer] through
TAB 28[King]**

**TO
PETITION FOR
FOR EXPEDITED RULEMAKING**

**BY
LCI INTERNATIONAL TELECOM CORP.
and
COMPETITIVE TELECOMMUNICATIONS ASSOCIATION (CompTel)**

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TABLE OF SOURCES AND SOURCE CONVENTIONS*

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

<u>TAB</u>	<u>Convention</u>	<u>Source</u>
20	Fischer:	Deposition of Susan Virginia Fischer Before the California Public Utilities Commission, Case No. 96-012-026 (Mar. 10, 1997)
21	Georgia Order:	Order Regarding Statement of the Georgia Public Service Commission, Docket No. 7253-U (Mar. 20, 1997)
22	Halloran:	Statement of Eileen M. Halloran on Behalf of AT&T Communications of New York, Inc. Before the New York Public Service Commission, Case No. 97-C-0271 (Mar. 30, 1997)
23	Hou:	Statement of Michael M. Hou on Behalf of AT&T Communications of New York, Inc. Before the New York Public Service Commission, Case No. 97-C-0271 (Mar. 30, 1997)
24	Huels:	Testimony of Stephen Huels Before the California Public Utilities Commission, Case No. 96-12-026
25	Illinois Proposed Order:	Hearing Examiner's Proposed Order, Illinois Commerce Commission, Docket No. 96-0404 (Mar. 6, 1997)
26	Jennings:	Rebuttal Testimony of Jake E. Jennings of the Illinois Commerce Commission Staff Before the Illinois Commerce Commission, Docket No. 96-0404 (Jan. 7, 1997)
27	Kennedy:	Statement of Vern M. Kennedy on Behalf of Community Telephone Before the New York Public Service Commission, Case No. 97-C-0271 (Mar. 28, 1997)
28	King:	R. King, "Missing Links," tele.com at 52 (Feb. 1997)

* Other than the few items marked with an (*), the cited pages from these materials are assembled and presented in separate volumes with an index for convenient reference (where the documents are lengthy, only the cited pages appear). These source materials may be obtained upon request in their abbreviated or in complete form. The items marked with an (*) are omitted from the collection of source materials because they are generally available or have been filed previously with or promulgated by the Commission.

0001

1 BEFORE THE PUBLIC UTILITIES COMMISSION

2 IN AND FOR THE STATE OF CALIFORNIA

3 — o0o —

4 MCI TELECOMMUNICATIONS CORPORATION,

Complainant,

5 vs. NO. 96-12-026

PACIFIC BELL AND PACIFIC BELL COMMUNICATIONS,

6 Defendants.

7

8 AT&T COMMUNICATIONS OF CALIFORNIA, INC.

Complainant,

9 vs. NO. 96-12-044

PACIFIC BELL,

10 Defendant.

11 _____//

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DEPOSITION OF SUSAN VIRGINIA FISCHER

15

March 10, 1997

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18 REPORTED BY:

SANDRA L. CARRANZA, CSR NO. 7062, RPR

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0002

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10 NO EXHIBITS MARKED

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0003

1 APPEARANCES

2

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0004

1 BE IT REMEMBERED THAT, pursuant to
2 Notice of Taking Deposition and on Monday, March 10, 1997,
3 commencing at the hour of 10:00 a.m., before me, SANDRA L.
4 CARRANZA, CSR NO. 7062, RPR, there personally appeared

5

6 SUSAN VIRGINIA FISCHER,

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8 called as a witness by the Complainants, who, having been

9 first duly sworn, was examined and testified as

10 hereinafter set forth.

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0005

1 SUSAN VIRGINIA FISCHER

2 having been duly sworn, testified as follows:

3

4 EXAMINATION BY MR. McDONALD

5 MR. McDONALD: Q. Please state your name.

6 A. Susan Fischer, F-i-s-c-h-e-r.

7 Q. Where are you employed?

8 A. Pacific Bell.

9 Q. What's your job title currently?

10 A. Resale marketing consultant.

11 MR. KOLTO-WININGER: Let me just point out for

12 the record that the Notice of Deposition is actually

13 inaccurate as to her job title, so it wasn't a switch in

14 title. And we went ahead and produced the witness

15 voluntarily, even though it's the same Sue Fischer.

16 THE WITNESS: It's me.

17 MR. McDONALD: Q. So the deposition notice, I

18 think, identified you as a supervisor at the LISC?

19 A. Yes.

20 Q. And that's incorrect.

21 Have you given testimony before in a formal

22 proceeding?

23 A. No.

24 Q. You are aware that I will be asking you a series

25 of questions, and others may as well, and what we will
0006

1 need you to do is to listen to the question and respond

2 orally, so that you cannot shake your head or nod as a

3 response because the stenographer cannot pick it up if you

4 respond in that way. Do you understand that?

5 A. Yes.

6 Q. If you don't understand a question, please ask

7 me to clarify it and I'll try to do so, okay?

8 A. Okay.

9 Q. If I ask, for example, if you are aware of, if

10 you don't know an answer but you know of somebody who

11 might, I will likely answer who might know the response,
12 but I'd like you to sort of keep that in mind as I ask
13 about that. And, likewise, if there are documents that
14 may help you to assist in responding, I'd like you to
15 identify those and I will ask you about that as well,
16 okay?

17 A. Okay.

18 Q. How long have you held your current position?

19 A. It was a year in February.

20 Q. So you started February of 1996?

21 A. Right, February 16th.

22 Q. Prior to that, prior to February 16th, how were
23 you employed?

24 A. With Pacific Bell.

25 Q. What was your job title?

0007

1 A. Win-back account manager.

2 MR. KOLTO-WININGER: There may be a lot of terms

3 that the court reporter is unfamiliar with, so when you
4 get to an area where you recognize you are going to say
5 something that's a term of art, you may want to go a
6 little bit slowly for the court reporter.

7 THE WITNESS: No problem.

8 MR. McDONALD: Q. Win-back, can you spell that?

9 A. W-i-n-b-a-c-k. It was a very short job.

10 Q. How long did you have that position?

11 A. Two months.

12 Q. So that was January, February '96?

13 A. Excuse me, December and January.

14 Q. December '95 to January of '96?

15 A. Yes.

16 Q. What were your duties in that position?

17 A. I worked with account executives. I think they

18 were called account executives, that customers that had

19 gone away from Pacific Bell and went back to Pacific Bell.

20 Q. For what kind of service?

21 A. Centrex.

22 Q. Any other services?

23 A. Major business services, mostly just business,

24 it was only business, I mean, mostly Centrex.

25 Q. So for this two-month period, you worked in
0008

1 efforts by Pacific to try to win back customers who had

2 left Pacific —

3 A. Yes.

4 Q. — to go to other carriers? Okay.

5 Who did you report to at that point in that

6 position as win-back account manager?

7 A. My mind just went blank, just a second. Thomas

8 Perry.

9 Q. What was his title?

10 A. Sales manager, I believe.

11 Q. Was this within a unit within Pacific Bell? Was

12 there a division or department or something like that?

13 A. It was in commercial markets.

14 Q. Are you currently in commercial markets?

15 A. No, I am not.

16 Q. So you switched. Is that a division, is that
17 what it's called? Do you know what the titles are?

18 A. No, I do not.

19 Q. What area are you in currently?

20 A. Industry markets.

21 Q. Prior to December of '95, did you hold another
22 position with Pacific Bell?

23 A. Yes.

24 Q. What was that?

25 A. Communication consultant.

0009

1 Q. When did you first take that position?

2 A. I am not exactly sure. I was -- they switched
3 titles from sales advisor to communication consultant, but
4 it was actually the same kind of job, so I don't know
5 what -- about four years with both of those.

6 Q. So, essentially, the same duties and
7 responsibilities but two different titles. Was it sales?

8 A. There was a sales advisor.

9 Q. And that was for about four years, so did that
10 begin, say, in late 1991? Is that approximately when it
11 began?

12 A. I don't really remember. I have to think. I
13 believe so.

14 Q. What were your duties in that position?

15 A. As a communication consultant?

16 Q. Yes.

17 A. I had a module of accounts, approximately 200
18 that I maintained and grew.

19 Q. Were those business accounts, business
20 customers?

21 A. Yes.

22 Q. Was this within commercial markets as well as
23 just like your subsequent job, account manager?

24 A. Yes, the win-back account manager.

25 Q. Who did you report to in that position?
0010

1 A. Kathy McKim.

2 Q. Prior to the communication consultant position
3 or sales advisor position, did you have another position
4 with Pacific Bell?

5 A. Yes.

6 Q. And what was that?

7 A. Service rep.

8 Q. Do you know when you started in that position?

9 A. I was a service rep in different departments, so
10 you need to say more about that question.

11 Q. How many different departments did you work in
12 as a service rep?

13 A. Four, I believe.

14 Q. Over what period of time? When did you commence
15 your first position as a service rep?

16 A. I believe it was either -- I believe it was
17 1983, December of 1983, if I am not mistaken, but I can't
18 swear to that.

19 Q. But your best recollection today is that it was

20 December of '93?

21 A. Correct.

22 Q. Was that your first job at Pacific Bell?

23 A. No, it was not.

24 Q. Then you worked as a service rep from December

25 of '83 for about an eight-year period, is that right,

0011

1 until late 1991?

2 A. I believe so.

3 Q. That's when you became a sales advisor?

4 A. Correct.

5 Q. What were the four different departments you

6 worked at?

7 A. I worked special services with -- SSBSC, it was

8 called special servicing business center, sales business

9 center or business center or something. Small business,

10 majors, and AET, account executive telecommunications or

11 something, channel.

12 Q. And then prior to December of '83, what position

13 did you hold at Pacific Bell?

14 A. Maintenance.

15 Q. When did you start in that position?

16 A. Actually, it wasn't maintenance, it was

17 installation. And then I went to maintenance for a short

18 time and back to installation. It was kind of a same kind

19 of job.

20 Q. When did you start the installation position?

21 A. I think that was 1981, maybe.

22 Q. Was that the first --

23 A. No, sorry.

24 Q. Okay. Keep on going. Prior to your job in 1981

25 in installation, what did you do?

0012

1 A. I was a 411 directory assistance operator.

2 Q. When did you start that position?

3 A. July 3rd, 1979.

4 Q. The fact you know it was July 3rd, was that your

5 first day on the job for Pacific Bell?

6 A. Yes, it was.

7 Q. Have you been employed by anyone other than

8 Pacific Bell in your work career?

9 A. Before?

10 Q. Yes.

11 A. Yes.

12 Q. Can you just describe generally what kind of

13 work you did before you joined Pacific Bell?

14 A. Sales clerk.

15 Q. Retail sales?

16 A. Retail.

17 Q. Anything else besides that?

18 A. I worked for a fast-food place, I was like 16.

19 Q. So currently you said you work in the industry

20 markets division, I guess, for Pacific Bell?

21 A. Yes.

22 Q. And what did you say is your current title is?

23 A. This is kind of weird, too, resale marketing

24 consultant is what I am known by.

25 Q. And who do you report to currently?
0013

1 A. Kathy Korona.

2 Q. Do you report to anyone else or is she your
3 immediate superior?

4 A. She is my immediate.

5 Q. What are your duties in your current position?

6 A. I work with MCI answering questions, helping
7 them with resale.

8 Q. That's your sole task, your function is to work
9 as MCI's liaison with Pacific Bell for resale purposes?

10 A. Yes.

11 Q. Do you perform any other functions, any other
12 carrier that you perform that kind of function for?

13 A. I'm sorry, can you repeat the question?

14 Q. Do you perform the similar function for any
15 other carrier?

16 A. No.

17 Q. This is a full-time position?

18 A. Yes.

19 Q. Does anybody report to you?

20 A. No.

21 Q. You started in this position in February of
22 1996?

23 A. I started on the account team in February 1996.

24 Q. Who else is on the account team?

25 A. Kathy Flynn Miles, Debby Nightingale, Rudy
0014

1 Zaragoza, Howard Thomas, Gary Niduaza.

2 Q. Some of the spellings might be helpful.

3 MR. WININGER: Should we do it at a break?

4 MR. McDONALD: Yes.

5 Q. What was Gary?

6 A. Niduaza. And Howard Duff, with Mike Mallen, the
7 head.

8 Q. So is this an MCI specific account team, all
9 these people's tasks are specific to MCI?

10 A. Yes, except for Mike Mallen's.

11 Q. What's Mike Mallen's position?

12 A. He is president of premier accounts, I believe
13 is his title.

14 Q. And the other individuals, what functions do
15 they serve on the account team?

16 A. Kathy Flynn Miles is the VP. Rudy Zaragoza is a
17 director. Debby Nightingale is a director. Howard Duff
18 is, I believe, a CMC-II, commercial markets consultant, I
19 believe that stands for. I believe that's the same that
20 Derrick Thomas is.

21 MR. WININGER: I have a Howard Thomas in my
22 notes.

23 THE WITNESS: Howard Duff.

24 MR. WININGER: And Derrick Thomas?

25 THE WITNESS: Yeah, sorry.

0015

1 Gary Niduaza is a CMC-I, I believe,

2 communication marketing consultant or consumer marketing

3 consultant, I am not exactly sure.

4 Did I say Kathy Korona?

5 MR. McDONALD: Q. You told us about her

6 earlier. What's her title?

7 A. I believe she is a manager, and Dolores

8 Richardson. I forgot somebody.

9 Q. What does she do?

10 A. She does subscription issues.

11 Q. What is that?

12 A. It's kind of hard to explain. I did that in the

13 very beginning in the account team. It has to do with the

14 long distance side of MCI and whether things are PIC'd,

15 Care Process, it's called, EARS, Easy Access something,

16 the way the system that we put the long distance code on

17 you guys' orders.

18 Q. So that's something specific to Dolores

19 Richardson. Does Dolores Richardson report to Kathy

20 Korona?

21 A. Yes.

22 Q. Who else reports to Kathy Korona?

23 A. Myself.

24 Q. And does Dolores Richardson -- are her tasks

25 specific to MCI?

0016

1 A. Yes, everybody on the account team.

2 Q. So everybody, all various people -- other than

3 Michael Mallen -- Kathy Flynn Miles, Howard Duff, Ray

4 Zaragoza, all their work is specific to MCI?

5 A. Yes. And I forgot another person.

6 Q. Who is that?

7 A. Linda Rohrback. She is in Los Angeles. And I

8 forgot another person because they are new, Carolyn

9 Henderson, I believe her name is. She does the billing.

10 Q. What does Linda Rohrback do?

11 A. I am not exactly sure. Something to do with

12 billing.

13 Q. She is new, is that what you said?

14 A. No. I just never got involved in that part of

15 the business. Billing and network things.

16 Q. And this is all within something called industry

17 markets within Pacific Bell; is that right?

18 A. Yes.

19 Q. Can you describe for me what industry markets,

20 what that division is intended to do, what does it serve?

21 A. I believe that it just handles -- handles

22 carriers or CLC's.

23 Q. CLC's are just all caps, C-L-C.

24 When you began your current position in February

25 of '96, what did you do between February and September
0017

1 '96?

2 A. February, I did subscription issues, and started

3 to go to workshops on resale.

4 Q. What did you learn that your function would be

5 in this new position?

6 A. Single point of contact for resale issues on the
7 account team.

8 Q. So the idea was that MCI, if there were issues
9 that MCI had with resale, you were to be the person that
10 MCI would contact?

11 A. Yes.

12 MR. KOLTO-WININGER: While you are going through
13 your notes, why don't we state on the record that, prior
14 to commencing the deposition, the parties agreed that we
15 would enter into a mutually agreeable confidentiality or
16 nondisclosure agreement, and that one of those terms will
17 provide that, if during the course of the deposition
18 proprietary information is disclosed, that the parties
19 thereafter will have an opportunity to review the
20 transcript and designate such information as confidential.

21 MR. McDONALD: Do you want to set a time period
22 after the date which the transcript becomes available?

23 MR. KOLTO-WININGER: We will agree to a mutually
24 agreeable term, but some reasonable period.

25 MR. McDONALD: Okay.
0018

1 Q. So am I correct that MCI commenced its resale
2 business in September of 1996?

3 A. I believe that was the live orders.

4 Q. Was there something that preceded that?

5 A. Test orders.

6 Q. When did those occur?

7 A. I don't know the exact date. I think July area,

8 if I am not mistaken.

9 Q. What was the purpose of the test order?

10 A. To test the process, to make sure how things
11 worked.

12 Q. How many test orders were submitted by MCI?

13 A. I'd have to guess the exact number.

14 Q. Who participated in submitting those test
15 orders? Do you know who from MCI was involved?

16 A. Yes.

17 Q. Who was that?

18 A. Sandy McGinn, David Williams, I believe, Ginger
19 Allen, and Betty Johnson.

20 Q. Are those people that you dealt with regularly
21 beginning in September to this day?

22 A. Yes, before September.

23 Q. When did you first start dealing with MCI
24 representatives?

25 A. I don't know the exact day, but I'd say one of
0019

1 the first workshops that Pacific Bell had, I don't know
2 exactly when that was, I believe it was in the March,
3 April time frame.

4 Q. So what happened, going back to February, you
5 started attending workshops, it was at Pacific Bell held
6 workshops to explain to the other carriers how the resale
7 business orders were going to be taken. Can you describe
8 that for me?

9 A. Yes. About resale period itself, I'd say,

10 whether it was billing or ordering or pre-ordering.

11 Q. Were you involved in the planning process for
12 the system that would be developed?

13 A. No, I was not.

14 Q. Do you know who was?

15 A. No, I do not.

16 Q. Do you know who would know who was involved in
17 the planning?

18 A. No, I do not.

19 Q. Prior to September 1996 when MCI started sending
20 the live orders, what were your functions in your position
21 from February to September?

22 A. Answering questions, a lot of MCI's questions,
23 either regarding what was available for resale, versus how
24 a feature would work. Questions on forms, getting them
25 set up for training or more workshops, talking about the
0020

1 order process itself, seeing that they wanted to be
2 recognized on NDM, they did -- they faxed their orders, so
3 there was forms that we would be looking at together
4 sometimes.

5 Q. So for about that six-month period, it was --

6 A. Setting them up for resale, helping them to come
7 into the business as an account person; they were like my
8 customer. They are my customer.

9 Q. Who gave you instruction about how to handle
10 your functions in that role?

11 A. For a while, I was meeting with other resale

12 marketing consultants, also, that we would have weekly
13 meetings of different -- that were on different teams. It
14 was a new job, so it wasn't like there was already set
15 rules of what to do. And I may not have done exactly what
16 the Sprint person did, or the AT&T person did. It was
17 more what MCI asked me to do.

18 Q. Was there someone superior to you, Kathy Korona
19 or someone else, who identified for you or told you, Here
20 is what your job functions are, here is what we want you
21 to do?

22 A. No. We made those; RMC's made job functions up.
23 Not made them up, but we discussed them together.

24 Q. The RMC, resale marketing consultants?

25 A. Correct.

0021

1 Q. Now, in September, was it mid-September, MCI
2 started sending the live orders?

3 A. Correct.

4 Q. Beginning in September to the current day, can
5 you describe what your job functions have been?

6 A. I have done a variety of different things. I
7 also get MCI in contact with the correct people that can
8 help them. I am not a billings specialist, but if they
9 need a billing question, I get them to the person that can
10 help them. Data exchange, I have been on conference
11 calls; long, long time ago on that. Process people at
12 Pacific Bell that I would go to, to help them be
13 successful in resale.

18 receive the call.

19 Q. Was that a call internal to Pacific?

20 A. No. There was also MCI people involved in that.

21 Teresa McGinnis, Sandy McGinn sometimes was on it, and a

22 couple of other people that I don't know recall their

23 names off the top of my head.

24 Q. Different meetings among Pacific Bell people?

25 A. Yes.

0024

1 Q. On a regular basis?

2 A. Yes.

3 Q. And what kind of meetings were those?

4 A. We have resale marketing consultant meetings

5 usually every Monday, where we would have different people

6 come to talk to us regarding different aspects of the

7 businesses, whether it was data exchange, billing people,

8 fraud people, anything that we needed to go to our CLC and

9 talk to them about -- to make them aware of something.

10 Q. Were these RMC meetings, were they typically

11 someone made the presentation to the RMC's?

12 A. Sometimes it was more the RMC's, more gathering

13 like certain problems that were not confidential to one

14 carrier or looking at which ways that we could help our

15 customer. And, yes, sometimes there were people that came

16 and talked to us quite a bit of the time.

17 Q. And those were weekly, usually held on Mondays?

18 A. Usually.

19 Q. Were there other internal Pacific Bell meetings?

20 For example, you called it an account team. Were there
21 meetings within the people you identified earlier that
22 dealt specifically with MCI?

23 A. Yes.

24 Q. How often were those meetings held?

25 A. I believe monthly.

0025

1 Q. And that was -- those were meetings that were

2 internal at Pacific Bell, they did not include MCI in

3 those meetings?

4 A. Correct.

5 Q. What was generally discussed at those meetings?

6 A. Different issues, things just -- things that the
7 account team personally needed to know. Resale sometimes
8 was brought up. Networks things, what people on the
9 account team were doing for MCI.

10 Q. Who led those meetings?

11 A. Usually Kathy Flynn Miles.

12 Q. What was her title?

13 A. Now she is VP. Actually, previously, Mike
14 Mallen, I believe, also led some.

15 Q. Is she vice president of premier accounts?

16 A. No. She is VP of MCI account team.

17 Q. Is that the most senior position for the MCI
18 account team other than Mike Mallen?

19 A. Correct.

20 MR. KOLTO-WININGER: Excuse me, Tom, I am going
21 to need to take just a quick five-minute break to sign off

22 on a file here, if we can go off the record.

23 MR. McDONALD: Sure.

24 (Recess taken.)

25 MR. McDONALD: Q. You have mentioned there were
0026

1 daily conference calls with MCI people at some point from

2 September forward. Do those continue to this date?

3 A. They didn't start in September. They started

4 later on, the daily ones, and they have just been canceled

5 recently per MCI, didn't have the need to have them any

6 longer.

7 Q. Going back to the test period or prior to

8 September, who did the RMC report to during that time,

9 before the actual live orders were received?

10 A. Okay, the RMC's report to the account team, so I

11 reported at the time, in testing, I was reporting straight

12 to Kathy Flynn Miles.

13 Q. And has that changed from February?

14 A. Yes.

15 Q. Who did you initially report to?

16 A. Kathy Flynn Miles.

17 Q. And when did that change?

18 A. I am not positive, around, I'd say, October time

19 frame.

20 Q. So after the live orders had been received for

21 about a month?

22 A. I'd say, yes.

23 Q. And then what changed, who did you report to?